

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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James G. Blakely)	Civil Action No. 4:10-cv-00718-RMG P 1:20
a/k/a Jimmy G. Blakely,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	
Jon Ozmint, et. al.,)	
)	
Defendants.)	

The plaintiff, James G. Blakely, filed this action in state court and the defendants removed it to this court on March 19, 2010, as the plaintiff alleged violations of his constitutional rights under 42 U.S.C. § 1983. During the time of the matters alleged in his complaint, the plaintiff was housed at the Lee Correctional Institution (“LCI”). As a result, this case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Since 1998, the plaintiff has filed more than thirty-four (34) lawsuits, predominately prisoner civil rights actions pursuant to 42 U.S.C. § 1983 and habeas corpus petitions pursuant to 28 U.S.C. § 2254, and almost all have been dismissed for lack of merit. Currently, the plaintiff has three § 1983 actions, including this one, pending in this district.

The Magistrate Judge issued a thorough Report and Recommendation addressing Plaintiff's numerous arguments and filings wherein he recommended that Defendants' motion for summary judgment be granted (Dkt. No. 111) and all of the Plaintiff's outstanding motions be deemed moot in light of the grant of summary judgment. Plaintiff has objected to the Report and Recommendation—many of the arguments a rehash of the points addressed by the Magistrate Judge. After a *de novo* review of the case law and authorities relevant to this matter,

the entire Record, and the Plaintiff's objections, this Court adopts the Magistrate Judge's Report and Recommendation as the Order of this Court and incorporates it in its entirety herein as the Order of this Court.

LAW/ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

As stated above, this Court has reviewed this matter *de novo*, and having done so has determined that Plaintiff's claims are without merit. Plaintiff's "objections" are merely a complete rehash of the same arguments presented to this Court time in again in numerous filings. Therefore, this Court adopts the Report of the Magistrate Judge as the Order of this Court and incorporates it herein.

CONCLUSION

Based on the above, Defendants' summary judgment motion is granted and this Order renders all other pending motions in this matter moot.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 28, 2011
Charleston, South Carolina